

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**AMENDED OPINION AND ORDER**  
**GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS**

Plaintiff has filed a motion to reconsider the court's order granting leave to proceed *in forma pauperis*. He alleges he does not have the \$1.66 initial partial filing fee in his trust account, and no one is willing to assist him in paying the initial partial filing fee.

A review of plaintiff's motion for leave to proceed *in forma pauperis* shows he has \$2.29 in his savings account and his trust account is overdrawn by \$9.85. [Docket #2]. The court, therefore, finds he lacks the funds to pay the initial partial filing fee, and he may proceed *in forma pauperis*. He is, however, required to pay the full **\$350.00** filing fee as set forth below.

**IT IS HEREBY ORDERED** that plaintiff shall make monthly payments of 20 percent of the preceding month's income credited to his prison account(s) until he has paid the total filing fee of \$150.00. 28 U.S.C. § 1915(b)(2). Monthly payments collected from plaintiff's prison account(s) shall be forwarded to the Clerk of Court each time the account balance exceeds \$10.00, until the full \$350.00 filing fee is paid. Separate deductions and payments shall be made with respect to each action or appeal filed by plaintiff. The PLRA requires the district court to assess and collect the \$350.00 filing fee even when a case is

dismissed before summons and complaint. *See* 28 U.S.C. § 1915(b)(1).

**IT IS FURTHER ORDERED THAT** The agency having custody of plaintiff shall collect and forward such monthly payments to the Clerk of Court until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2). Interference by plaintiff in the submission of these funds shall result in the dismissal of this action.

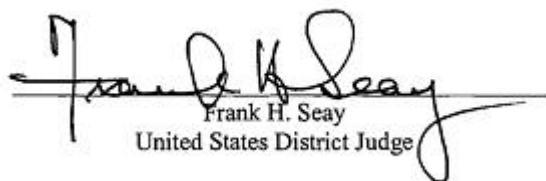
Plaintiff is advised that notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss at any time all or any part of such complaint which (1) is frivolous or malicious, (2) fails to state a claim on which relief can be granted, or (3) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915A, 1915(e)(2)(B). Plaintiff is further advised that the monthly payments will continue to be collected until full payment of the filing fee has been received by the court, even after disposition of the case, and regardless of whether relief is granted or denied.

**IT IS FURTHER ORDERED** that the Clerk of Court shall not issue process until further order of the court.

**IT IS FURTHER ORDERED** that the Clerk of Court send a copy of this order to plaintiff's custodian and the trust fund officer at his institution.

**ACCORDINGLY**, plaintiff's motion to reconsider the court's order granting leave to proceed *in forma pauperis* [Docket #6] is GRANTED, and plaintiff is directed to pay the \$350.00 filing fee in accordance with this Order.

**IT IS SO ORDERED** this 1st day of November, 2010.



Frank H. Seay  
United States District Judge